IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

INGRAM BARGE COMPANY	§	
	§	
Plaintiff,	§	
	§	
v.	§	**CA. NO. 16-cv-01695**
	§	
STOLT-NIELSEN USA, INC.	§	
	§	**(Admiralty)**
Defendant.	§	

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant, STOLT-NIELSEN USA, INC. files its Original Answer and respectfully shows the Court the following:

FIRST DEFENSE

1. Plaintiff's Original Complaint fails to state a claim against Defendant upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff has failed to allege any facts that demonstrate that Stolt's barge-cleaning operations did not clear the barge of all or substantially all of the caustic soda cargo. The residual by-products remaining aboard the barge did not constitute caustic soda. Plaintiff has also failed to allege sufficient facts to demonstrate that all other possible sources of contamination, for example, rust, have been eliminated from consideration as the cause of the alleged contamination

at issue.

SECOND DEFENSE

2. Subject to and without waiving any of the foregoing defenses, Defendant answers the allegations contained within the separately numbered paragraphs of Plaintiff's First Amended Complaint as follows:

3. Defendant lacks sufficient information to either admit or deny the allegations contained in paragraph 1 of Plaintiff's Original Complaint.

4. Defendant admits the allegations contained in paragraph 2 of Plaintiff's Original Complaint.

5. Defendant admits the allegations contained in paragraph 3 of Plaintiff's Original Complaint.

6. Defendant admits the allegations contained in paragraph 4 of Plaintiff's Original Complaint.

7. Defendant admits the allegations contained in paragraph 5 of Plaintiff's Original Complaint.

8. Defendant admits the allegations contained in paragraph 6 of Plaintiff's Original Complaint.

9. Defendant admits the allegations contained in paragraph 7 of Plaintiff's Original Complaint.

10. Defendant admits the allegations contained in paragraph 8 of Plaintiff's Original Complaint.

11. Defendant admits the allegations contained in paragraph 9 of Plaintiff's Original Complaint.

12. Defendant admits the allegations contained in paragraph 10 of Plaintiff's Original Complaint.

13. Defendant denies the allegations contained in paragraph 11 of Plaintiff's Original Complaint.

14. Defendant denies the allegations contained in paragraph 12 of Plaintiff's Original Complaint.

15. Defendant denies the allegations contained in paragraph 13 of Plaintiff's Original Complaint.

16. Defendant admits it received the letters attached as Exhibits D and E, but denies the allegations contained in the exhibit letters as contained in paragraph 14 of Plaintiff's Original Complaint, and the remaining allegations in said paragraph.

17. Defendant denies the allegations contained in paragraph 15 of Plaintiff's Original Complaint.

18. Defendant admits the allegations contained in the third and fourth sentences in paragraph 16 of Plaintiff's Original Complaint, and otherwise denies the remaining allegations in said paragraph.

19. Defendant admits the allegations contained in paragraph 17 of Plaintiff's Original Complaint.

20. Defendant denies the allegations contained in paragraph 18 of Plaintiff's Original Complaint.

21. Defendant denies the allegations contained in paragraph 19 of Plaintiff's Original Complaint.

22. Defendant denies the allegations contained in paragraph 20 of Plaintiff's Original Complaint.

23. Defendant denies the allegations contained in paragraph 21 of Plaintiff's Original Complaint.

24. Defendant denies the allegations contained in paragraph 22 of Plaintiff's Original Complaint.

25. Defendant denies the allegations contained in paragraph 23 of Plaintiff's Original Complaint.

26. Defendant denies the allegations contained in paragraph 24 of Plaintiff's Original Complaint.

27. Defendant denies the allegations contained in paragraph 25 of Plaintiff's Original Complaint.

28. Defendant denies that Plaintiff is entitled to the relief requested in the prayer of Plaintiff's Original Complaint.

THIRD DEFENSE

29. Without waiving any other defenses, the incident was caused in whole or in part by the negligence of Plaintiff and/or third parties over whom Defendant retained no control.

FOURTH DEFENSE

30. Without waiving any other defenses, the incident was the result of a proximate or sole proximate cause of the failure of Plaintiff to use that degree of care under the existing circumstances that would have been used by a reasonable and prudent person in the exercise of ordinary care under the same or similar circumstances.

FIFTH DEFENSE

31. Without waiving any other defenses, Plaintiff failed to mitigate its alleged damages.

SIXTH DEFENSE

32. Without waiving any other defenses, the cargo suffered from an inherent vice, or other latent defect.

WHEREFORE, PREMISES CONSIDERED, Defendant, STOLT-NIELSEN USA, INC., prays that Plaintiff take nothing, that Plaintiff's suit be dismissed with prejudice, that Defendant recover its costs, and for such other and further relief, both general and special, at law or in equity, to which it may show itself justly entitled.

Respectfully submitted,

/s/ Keith B. Letourneau

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served pursuant to Federal Rule of Civil Procedure 5 on all counsel of record on this 8th day of July, 2016, as follows:

Michael A Golemi
Lauren Randle
Liskow & Lewis
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Houston, Texas 77002

/s/ Jay T. Huffman

Jay T. Huffman

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